LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2003** AGENDA ITEM NO.: 21

CONSENT: REGULAR: X CLOSED SESSION: (Confidential)

ACTION: X INFORMATION:

ITEM TITLE: Code Enforcement Fee Schedules, Plan Reviewer

<u>RECOMMENDATION</u>: (1) Revise Lynchburg City Code, Chapter 11, Building, Article VIII, Fees to remove the fees from the body of the ordinance and allow Council to adopt appropriate fees by resolution on further action, (2) Adopt a Code Enforcement Fee Schedule by resolution and (3) Appropriate funds to add a plan reviewer position to staff.

<u>SUMMARY</u>: The Department of Community Planning & Development, Inspections Division currently has the building fees incorporated as a part of the City Code. As has been done with other fees within the City, this change would allow for the fees to be adopted by resolution by City Council.

Previously, fees were based on square foot calculations and staff has had difficulty in making an appropriate application of the fees. It is also believed that by standardizing fees based on the value of construction for each project the fees would be applied more fairly. Added benefits would be a better coordination with the Commissioner of Revenue and the Assessor's office in that all property improvements and business licenses would be tied to actual costs of construction and improvements. Changing fees based on the cost of construction would provide for a more accurate assessment of the value of construction within the city and allow the fees to keep up with inflation, thereby not requiring periodic updates of fee schedules.

The City currently does plan review on all projects but does not charge for this service. Many jurisdictions in the Commonwealth charge a plan review fee. The USBC provides that a municipality may charge a reasonable fee for the services it provides to offset the cost of providing the service. Plan review is a critical function to ensure that a project moves to completion with the minimum of technical problems. Staff believes that this function should be given the priority it deserves.

<u>PRIOR ACTION</u>: Council was briefed on this proposal during its October 29, 2002 work session and agreed that the proposal could be brought forward for formal action.

<u>FISCAL IMPACT</u>: Increase City revenues by providing an accurate method of basing fees on cost of construction. This would result in an expected \$140,000 annual increase in revenue. Adding a plan review fee of 10% of the building permit fee would provide for the addition of a plan reviewer position to the Inspections staff by producing an expected annual revenue of approximately \$55,000 with an annual expense estimated at \$45,350. The overall effect of this change would be a net increase in revenue of \$150,000, which would be used to reduce the amount required from the general fund to operate the Inspections Division. A one-time appropriation is being requested in the amount of \$32,465 to hire and equip the inspector as of April 1 and fund through June 30. The recurring costs have been submitted with the FY 04 budget proposal.

CONTACTS: Rachel Flynn (847-1435 ext. 253), Karl Cooler (847-1572 ext. 248)

ATTACHMENTS: Ordinance – Chapter 11 Building, Article VIII Fees.

Resolution to Adopt Fee Schedule/Code Enforcement Fee Schedule

Resolution approving appropriations to hire a Plans Examiner

REVIEWED BY: Ikp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 11-288 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO CODE ENFORCEMENT FEES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Section 11-288 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 11-288. Code enforcement fees.

No permit shall be issued until the required fees shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the dimensions or size of the building or structure, shall have been paid. The fees for building permits will be as determined by city council from time to time and a copy of the schedule of fees will be kept in the office of the inspections division of community planning and development and shall be available for review upon request.

(a) Building permits.

The fee shall be based on the floor area to be constructed as computed from the exterior building dimensions at each level.

(1) Comprehensive building permit; inclusive of building structure, electrical system, plumbing system and mechanical system.

Covers new construction, additions, alterations, and/or renovations requiring building permits.

a. Residential construction.

For Use group R (per the BOCA National Building Code/1996 - Chapter 3) the fee shall be twenty-five cents (\$0.25) flat fee per square foot of gross floor area of living area.

For unfinished basements, garages, carports, sheds, decks and porches the fee shall be ten cents (\$0.10) flat fee per square foot of gross floor area.

Minimum fee-\$100.00

b. Non-residential construction.

For Use Groups A, B, E, I, M, U (BOCA) the fee shall be twenty-one cents (\$0.21) flat fee per square foot of gross floor area.

For Use Groups F, H, S (BOCA) the fee shall be eleven cents (\$0.11) flat fee per square foot of gross floor area for buildings up to 100,000 square feet. The fee shall be seven cents (\$0.07) flat fee per square feet of gross floor area for buildings that exceed 100,000 square feet.

Minimum fee-\$100.00

(2) Limited building permit (for building structure only); exclusive of electrical, plumbing and mechanical systems. (Refer to sections (b), (c), or (d) as required).

The limited building permit may be obtained only when a comprehensive building permit is not applicable.

Covers new construction, additions, alterations, and/or renovations requiring building permits.

a. Residential construction. For detached, one and two-family residential buildings, the fee shall be twelve cents (\$0.12) per square ft. of gross floor area of living space.

For unfinished basement areas, garages, carports, porches, decks and sheds, the fee shall be seven cents (\$0.07) per square foot of gross floor area.

For all residential buildings other than detached one- and two-family dwellings, the fee shall be sixteen cents (\$0.16) per square foot of gross floor area of living space up to and including one thousand (1,000) square feet.

For one thousand one (1,001) square feet up to and including two thousand (2,000) square feet, the fee shall be one hundred fifty dollars (\$150.00) for the first one thousand (1,000) square feet plus twelve cents (\$0.12) per square foot or fraction thereof.

For two thousand one (2,001) square feet up to one hundred thousand (100,000) square feet, the fee shall be two hundred thirty (\$230.00) for the first two thousand (2,000) square feet plus ten cents (\$0.10) per square foot or fraction thereof.

For one hundred thousand one (100,001) square feet or more, the fee shall be ten thousand one hundred dollars (\$10,100.00) for the first one hundred thousand (100,000) square feet plus nine cents (\$0.09) per square foot or fraction thereof, without limit.

Minimum fee - \$25.00

Roofing and siding alternations exceeding 100 square feet, the fee shall be twenty-five dollars (\$25.00).

b. Non-residential construction. For any floor area up to and including one thousand (1,000) square feet, the fee shall be eighteen cents (\$0.18) per square foot or fraction thereof.

For one thousand one (1,001) square feet up to and including two thousand (2,000) square feet, the fee shall be one hundred fifty dollars (\$150.00) for the first one thousand (1,000) square feet plus twelve cents (\$0.12) per square foot or fraction thereof.

For two thousand one (2,001) square feet up to and including five thousand (5,000) square feet, the fee shall be two hundred seventy-five dollars (\$275.00) for the first two thousand (2,000) square feet plus ten cents (\$0.10) per square foot or fraction thereof.

For five thousand one (5,001) square feet up to and including ten thousand (10,000) square feet, the fee shall be five hundred eighty dollars (\$580.00) for the first five thousand (5,000) square feet plus nine cents (\$0.09) per square foot or fraction thereof.

For ten thousand one (10,001) square feet or more, the fee shall be nine hundred fifty dollars (\$950.00) for the first ten thousand (10,000) square feet plus six cents (\$0.06) per square foot or fraction thereof, without limit.

Minimum fee - \$40.00

Roofing and siding alterations exceeding 100 square feet the fee shall be ten cents (\$0.10) per square foot of area.

(3) Manufactured housing and industrialized building units: (single and doublewide manufactured homes, industrialized buildings, mobile office units, etc. with approved factory and state labels):

- a. singlewide manufactured homes—\$75.00
- b. doublewide manufactured homes—\$100.00
- c. Industrialized buildings—\$150.00

Basement fees shall be established at the same rate as for the use group of the structure involved, and in no case less than the minimum fee for that use group.

- (4) Elevator permit and inspection fees:
- a. New elevator permit fees:
- 1. Elevator permit fee. Installation of passenger and freight elevators shall be seventy-five dollars (\$75.00) for each elevator.
- 2. Escalator (moving stairway) permit fee. Installation of escalators—The fee shall be thirty-five dollars (\$35.00) per escalator installation. Semiannual permit renewal fee shall be eight dollars (\$8.00) per escalator.
- 3. Dumbwaiter permit fee. Installation of dumbwaiters—The fee shall be twenty-five dollars (\$25.00) per installation.
- 4. Lift permit fee. Installation of lifts—The fee shall be twenty-five dollars (\$25.00) per installation.
- 5. Repair or alteration of elevators, escalators, dumbwaiters, or lifts in existing buildings or structures— The minimum permit fee shall be sixteen dollars (\$16.00).
- b. Existing elevator inspection administrative fees:
- 1. Existing elevators are required to be inspected by a state qualified elevator inspector every six months. Elevator owner shall pay an administrative fee to the city of forty-two dollars (\$42.00) per elevator for each inspection.
- 2. Elevator owner shall pay an administrative fee to the city of seventy-five dollars (\$75.00) per elevator when a city official is required to conduct an on-site visit.
- 3. Elevator owners shall pay an administrative fee to the city of seventy-five dollars (\$75.00) per elevator to retrofit existing elevator(s). (Permit required).
- 4. Elevator owner shall pay an administrative fee to the city of thirty-five dollars (\$35.00) per appeal.
- (5) Moving buildings or structures: (All use groups)

Relocating—\$100.00

Basement fees shall be established at the same rate as for the use group of the structure involved, and in no case less than the minimum fee for that use group.

(6) Demolition of buildings or structures: (All use groups)

For each residential building or structure demolished the fee shall be two hundred fifty dollars (\$250.00).

For each commercial/multi-family/industrial building or structure demolished the fee shall be four hundred dollars (\$400.00).

(7) Towers, antennas, and similar regulated structures:

Structural fee—\$100.00

(8) Swimming pools or similar regulated structures:

Flat fee - \$50.00

- (9) Miscellaneous buildings and/or structures (All use groups): Buildings and structures not specifically covered by this schedule shall be classified by the building commissioner with fees to be determined by that classification.
- (10) Asbestos removal permit: the fee shall be thirty dollars (\$30.00).
- (11) Signs: The permit fee for installation of new signs will be based on the total square footage per sign.

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0-50 square feet—$50.00 per sign
50 square feet and over—$100.00 per sign
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Temporary signs and banners: the fee shall be twenty-five dollars (\$25.00) per sign or banner.

(12) Tent and membrane structures: Structures that cover an area of more than 900 square feet, including connecting areas or spaces with a common means of egress or entrance or which are used or intended to be used for the gathering together of more than fifty (50) persons.

Fee-\$50.00

- (b) Electrical permits.
- (1) New service and upgrades:

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0 to 200 amps—$25.00
200 to 300 amps—$50.00
300 to 400 amps—$75.00
400 and over—$75.00 plus $10.00 per additional 100 amps or portion thereof
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- (2) Electrical permits no service involved: For all electrical permits in which no service is involved a base fee of twenty-five (\$25.00) dollars plus fifty cents (\$0.50) per outlet, light, and switch installed.
- (c) Plumbing permits.
- (1) A base fee of twenty-five dollars (\$25.00) for installation or replacement of fixtures or any plumbing device listed by definition or as determined by the building official to be a fixture and shall include commercial as well as domestic equipment.

In addition: For each plumbing fixture and plumbing device as described above, the fee shall be ten dollars (\$10.00).

(2) For building sewers—\$30.00

The above fees for all categories shall also apply to rough-ins, replacements and moving fixtures.

(d) Mechanical permits.

The permit fee for installation of new mechanical equipment will be per unit of mechanical equipment including but not limited to:

(1) For one- and two-family dwellings, R-1, R-2 and R-3:

For issuing each permit:

Residential-\$20.00

In addition:

For each gas range installation—\$8.00

For each water heater installation—\$8.00

For each gas space heater installation—\$8.00

For each floor furnace installation—\$8.00

For each warm air furnace installation—\$8.00

For each boiler installation—\$8.00

For each conversion burner installation—\$8.00

For each stoker installation—\$8.00

For each fuel tank installation; oil or gas-\$8.00

For each clothes dryer installation—\$8.00

For each central air conditioner installation—\$8.00

For each heat pump or air handling unit installation—\$8.00

Ductwork-\$8.00

(2) For R-4 and R-5, business, commercial and industrial:

For issuing each permit—\$30.00

In addition:

For each gas range installation—\$10.00

For each water heater installation—\$10.00

For each unit heater installation—\$10.00

For each gas space heater installation—\$10.00

For each low pressure boiler installation—\$10.00

For each conversion burner installation—\$10.00

For each clothes drver installation—\$10.00

For each stoker installation—\$10.00

For each fuel tank installation; oil or gas-\$10.00

For each central air conditioner installation—\$10.00

For each heat pump or air handling unit-\$10.00

For each warm air furnace installation—\$10.00

For each exhaust system—\$10.00

For each miscellaneous gas burning appliance or appurtenance and gas piping—\$10.00

- (3) For each chiller, high pressure boiler, cooling tower, sprinkler system [under one hundred (100) heads], standpipe system [up to six (6) valves], range hood, etc., the fee shall be fifteen dollars (\$15.00). For sprinkler systems [one hundred (100) heads and over], and standpipe systems [over six (6) valves], the fee shall be thirty dollars (\$30.00).
- (4) The above fees shall also apply to replacement and/or relocation of above equipment.

(e) Plan review fees.

When required by the building commissioner, construction documents shall be referred to a qualified and approved plan review service. All fees and costs related to the performance of the plan review service shall be the responsibility of the building owner.

(f) Amusement devices.

Permit fees for carnivals, fairs, festivals and like activities that utilize amusement devices will be based on the number of major and spectacular rides.

All amusement devices shall be governed and inspected according to the Virginia Amusement Device Regulations.

(g) Reinspection fees.

A reinspection fee of twenty-five dollars (\$25.00) shall be charged for each additional inspection when any of the following reasons are the cause of the additional inspection:

- (1) wrong address
- (2) repairs or corrections not made when reinspection requested
- (3) work not ready when inspection requested
- (4) premises locked or inaccessible
- (h) Building code appeals.

A one hundred dollar (\$100.00) filing fee shall be charged for each appeals application submitted to the board of building code appeals. All appeals shall be governed according to the Virginia Uniform Statewide Building Code (USBC).

(i) Flat fee.

Flat fee covers all electrical, plumbing, mechanical and building structure work.

2. That this ordinance shall become effective upon its adoption.

Adopted:		
Certified:	Clerk of Council	

021L1

Resolution

WHEREAS, Section 36-105 of the Code of Virginia authorizes localities to levy fees to defray the cost of administering and enforcing the Uniform Statewide Building Code.

NOW, THEREFORE, BE IT RESOLVED that in order to defray the cost of administering and enforcing the Uniform Statewide Building Code the Lynchburg City Council hereby establishes the following code enforcement fees:

CP&D - Inspections - Code Enforcement Fee Schedule

Tent & Membrane Structures over 900 sqft.

CP&D - Inspections - (Jode Eniorcement Fee Sc 	Treduie				
Type Permit	Total Valuation (1)	Fee (2)				
Building, Repair	\$1 to \$1000	\$40				
Renovation, Electrical Mechanical, Gas, Plumbing, Elevator	\$1001 to \$50,000	\$40 for the first \$1000 plus \$5 for each additional thousand or fraction thereof, to and including \$50,000.				
(new).	\$50,001 to \$100,000	\$285 for the first \$50,000 plus \$4 for each additional thousand or fraction thereof, to and including \$100,000.				
	\$100,001 to \$500,000	\$460 for the first \$100,000 plus \$3 for each additional thousand or fraction thereof, to and including \$500,000.				
	\$500,001 and up	\$1660 for the first \$500,000 plus \$2 for each additional thousand or fraction thereof.				
Plan Review		e proposed construction exceeds \$1000 be submitted by the Building Official, a				
	plan checking fee shall be time of submitting plans a checking fee shall be equ	e paid to the Inspections Division at the and specifications for checking. The planual to one-tenth (10%) of the building his fee schedule. The plan checking fee is				
	1					
Manufactured	Single-wide	\$75.00				
Housing	Double-wide	\$100.00				
Existing Elevators Must be inspected by VA state qualified	Administrative Fee (per elevator every six months)	\$42.00				
elevator inspector every six (6) months						
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	city inspector if required	\$75.00 per elevator				
Elevator Retrofit		\$35.00 per elevator				

\$50.00

Rental Property Code Enforcement Fee	Annual fee due on or before January 1st of each year	\$25.00 per dwelling unit
Reinspection Fee		\$25.00
Demolition Permit	Residential Commercial	\$250.00 \$400.00
Moving Fee		\$100.00
Asbestos Removal Pe	rmit	\$30.00
Amusement Devices	Fees for amusement dev Virginia Amusement Dev	ices are governed and regulated by the ice Regulations.
Signs Permit fee for installation of new signs is based on the total square footage per sign	0 - 50 square feet 50 square feet and over Temporary Signs & Banners	\$50.00 per sign \$100.00 per sign \$25.00 per sign or banner
Board of Building Code Application for appeal Building Official or Fire	from a decision of the	\$200.00 filing fee
Penalties	gas, mechanical, or plum necessary permits shall be	work on a building, structure, electrical, bing system before obtaining the subject to the penalties described in on 106 of the Code of Virginia (emergency
Waiver of Code Enforcement Fees		Any of the code enforcement fees may be waived for a business which is designated as a technology business and which business locates in either of the city's technology zones on or after July 1, 2002. The city's director of economic development, after consultation with the Lynchburg Industrial Development Authority, will determine which, if any, code enforcement fees will be waived.

(1) Determination of Total Valuation. For purposes of determining fees under the provisions of Chapter 11, Section 288 (a), Building Permit Fees, the total valuation shall be the greater of the actual contract price submitted on the permit application or an applicable amount based on the total square footage of the structure to be built multiplied times the square foot cost data prescribed on the Building Valuation Data Table.

"Total Cost of Construction" means the actual cost incurred by the owner, all contractors, subcontractors, and other parties for labor, material, equipment, profit, and incidental expenses for the entire project. This does not include the cost of design services unless those services are included in a construction contract.

(2) 1% Levy. Local building departments are required to collect a 1% levy of fees charged for building permits issued under the USBC and transmit it quarterly to the Virginia Department of Housing and Community Development (DHCD) to support training programs of the Virginia Code Academy.

Building Valuation Data Table

For Use in Determining Total Valuation for Building Permit Fee Calculations

Occupancy	Type of Construction								
	I-A	I-B	II-A	II-B	III-A	III-B	IV	V-A	V-B
Assembly									
Theaters									
- Good	122	118	78	76	85	81	85	81	77
- Average	92	90	55	53	61	57	62	58	54
Nightclubs & Similar Uses									
- Good	107	107	81	79	88	84	89	84	80
- Average	80	80	61	59	69	65	70	65	61
Lecture Halls, recreation									
centers, terminals,									
restaurants other than night-									
clubs									
- Good	107	107	81	79	88	84	89	84	80
- Average	80	80	61	59	69	65	70	65	61
Churches									
- Good	126	121	88	86	101	97	102	80	91
- Average	92	89	65	63	73	69	74	69	65
Auditoriums									
- Good	130	125	64	62	100	96	100	65	62
- Average	95	92	44	42	71	67	72	45	42
Business		•		•					
Office									
- Good	104	101	72	70	80	76	81	77	73
- Average	79	76	50	48	58	54	59	55	52
Research/Engineering									
- Good	61	59	49	46	54	50	55	50	47
- Average	46	44	34	32	39	35	40	36	32
Service Station									
- Good	104	100	81	79	83	79	83	69	65
- Average	94	90	67	65	69	65	70	58	54
Educational	I	I		I	I	ı	I		
School									
- Good	103	103	79	77	85	81	86	83	79
- Average	80	80	60	58	66	62	67	64	60
Factory-Industrial		I		I					
Factory - Light Mfg.									
- Good	39	37	34	31	38	35	39	35	31
- Average	27	25	24	22	29	25	30	27	23
Hazardous	ı	1	1	1	ı	ı	ı	1	1
Hazardous - Sprinkler System									
Included									
- Good	41	39	35	33	40	36	41	37	33
- Average	29	27	26	24	31	27	32	28	24

Occupancy	Type of Construction								
	I-A	I-B	II-A	II-B	III-A	III-B	IV	V-A	V-B
Institutional	•	•			•	•	•	•	
Convalescent Hospital									
- Good	128	124	88	86	96	N/P (1)	97	93	N/P (1)
- Average	105	103	68	66	75	N/P (1)	75	72	N/P (1)
Hospital									
Good	153	150	88	86	129	N/P (1)	129	122	N/P (1)
- Average	123	121	68	66	102	N/P (1)	103	98	N/P (1)
Mercantile	•			•					
Department Stores									
- Good	88	86	56	54	74	70	75	59	55
- Average	68	66	42	40	61	57	61	46	42
Mall Stores									
- Good	101	101	66	64	73	69	74	70	66
- Average	82	82	56	52	60	56	61	57	53
Mall - Concourse									
- Good	79	79	56	54	58	54	59	58	54
- Average	62	62	43	41	45	41	46	45	41
Retail Store									
- Good	70	68	56	54	61	57	61	59	55
- Average	55	53	42	40	47	43	48	46	42
Residential	I.	I	l.	I	I	ı	ı	I	
Apartments									
- Good	83	80	62	50	69	65	70	65	61
- Average	65	63	48	45	53	49	54	50	46
Dormitories									
- Good	98	96	76	74	83	79	83	77	74
- Average	77	75	58	56	64	60	64	60	56
Homes for Elderly									
- Good	99	97	81	79	86	83	87	84	80
- Average	78	76	61	59	67	63	68	65	61
Hotel									
- Good	104	102	68	65	88	84	89	84	80
- Average	82	80	50	48	74	70	75	71	67
Motel									
- Good	104	102	68	65	72	68	73	70	66
- Average	82	80	50	48	54	50	55	52	48
Single Family Residence									
- Good	89	86	69	67	76	72	76	70	66
- Average	67	65	50	48	55	51	56	52	48
Storage	•		•						
Auto Parking Structure									
- Good	36	34	N/D (2)	N/D (2)	N/D (2)	N/D (2)	N/D (2)	N/D (2)	N/D (2)
- Average	28	27	22	20	N/D (2)				
Repair Garage					` '	` '	` '	` '	` '
- Good	47	45	37	35	45	41	46	40	36
- Average	35	33	27	25	34	30	35	31	27
Warehouse			<u> </u>						
- Good	47	45	31	29	36	33	37	34	30
- Average	35	33	22	20	27	23	28	25	21

Occupancy	Type of Construction								
	I-A	I-B	II-A	II-B	III-A	III-B	IV	V-A	V-B
Utility & Miscellaneous									
Private Garage									
- Good	36	34	35	33	42	38	43	39	35
- Average	28	27	28	25	34	30	34	31	27
Greenhouse									
- Good	N/D (2)	N/D (2)	N/D (2)	11.81	N/D (2)	N/D (2)	N/D (2)	N/D (2)	5.65
- Average	N/D (2)	N/D (2)	N/D (2)	5.48	N/D (2)	N/D (2)	N/D (2)	N/D (2)	3.68

Notes:

- N/P Not permitted by code.
 N/D Insufficient data to determine average cost.
- Unfinished basements \$11.81/sqft.
 For sprinklered buildings in other than hazardous occupancies, add \$1.75/sqft.
- 5. In Type II, III, and V, add \$41,000 per elevator.
 6. A good building will normally have some components which are only average, but many will be better than average. A good building is well insulated to utility standards, packaged or zoned air conditioning; has more than the minimum code required plumbing fixtures, and lighting and electrical outlets, with good quality fixtures, interior and exterior finishes and carpets.
- 7. An average building has minimum model energy code insulation levels, with a forced air system, contains the minimum code required plumbing fixtures, lighting, electric outlets; and has average quality interior and minimum carpet.

Adopted:		
Certified:		
	Clerk of Council	
0041.0		

024L2

C.

RESOLUTION

BE IT RESOLVED that \$32,465 is hereby appropriated to the General Fund, fully reimbursable from increased revenue from the Code Enforcement Fees during the FY 2003, to fund wages/benefits and office operation expenses for employment of a Plans Reviewer through June 30, 2003, close of the current fiscal year; and

BE IT FURTHER RESOLVED that the Financial Services Director is authorized to increase the projected FY 03 revenue from the Code Enforcement Fees by this same amount.

Introduced:		Adopted:
Certified:	Clerk of Council	_

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